THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.18205 OF 2007

DATED 28-08-2007

Between:

M/s Hindusthan Zinc Limited …Petitioner

And

The Assistant Commissioner and another …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.18205 OF 2007

O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki):*

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

The petitioner had earlier filed an appeal against the assessment before the second respondent. During pendency of that appeal, he approached this Court by way of a writ petition being W.P.No.16445 of 2004 for stay of recovery and this Court granted interim stay of recovery subject to the condition of the petitioner depositing Rs.75,000/-. This order was complied with and later on this Court disposed of the writ petition extending stay of recovery till disposal of the appeal pending before the second respondent. The appeal was dismissed by the second respondent and the petitioner was forced to file another appeal before the Sales Tax Appellate Tribunal, which is pending. Now the respondents are demanding recovery of the balance disputed tax. As the substantial amounts have already been paid by the petitioner, he seeks stay of this Court for recovery till disposal of the appeal by the Tribunal. It is submitted by learned counsel for the petitioner that out of the total demanded amount of Rs.5,15,689/-, the balance disputed tax, at this stage, is only Rs.99,617/-.

In this view of the matter, we feel that it would be just and proper to stay the recovery till the matter is decided by the Tribunal. Therefore, we dispose of the writ petition directing that there shall be stay of recovery of the balance disputed tax till the appeal pending before the

Tribunal is decided. No order as to costs.

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Bilal Nazki, J

Dated 28th August, 2007

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S.Ananda Reddy, J

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